

Remarks/Arguments

Applicant acknowledges the Office Action deemed the restriction requirement proper and made final, and the Advisory Action denying entry of the proposed amendment. Applicant hereby withdraws the previously unentered amendment, presents a new amendment which does not present additional claims without canceling a corresponding number of finally rejected claims, and respectfully requests entry of the present amendment after final as placing the application in condition for allowance and/or better form for petition or appeal. Applicant further requests rejoinder of the previously withdrawn claims under MPEP 821.04 and 806.05(c), and reconsideration of the restriction requirement for the reason that as currently amended, claims directed to the combination of or method of using the allowable anti-reflux valve and an implantation or extraction tool are specifically limited to the valve indicated by the examiner to be allowable.

By this amendment, claims 8-9, 18 and 19 have been cancelled. Claims 1-7, 13-17, and 20-63 are pending in the application. Claims 13, 20, 21 and 56 have been amended. Claims 15, 21-23, 25, 29-55, and 57-63 were previously withdrawn from consideration by the examiner. Claims 8, 13-14, 18, 21-24, 27-28, and 56 have been rejected. Claims 1-7, and 9 have been allowed by the Examiner. Claims 16-17, 19-20, and 26 were indicated as allowable, but were objected to.

Amendments to the Claims

The Office Action states that Claims 16, 17, 19, 20 and 26 are objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form including all limitation of the base claim and any intervening claims. Therefore, Claim 13 has been amended to include the limitations of objected to Claim 19 and intervening Claim 18. As now presented, Claim 13 is allowable. Claims 20-21 have been amended to properly depend from currently amended Claim 13. Claim 56 has been amended for the purpose of improved clarity and to remove redundancies created by the amendments to Claim 13. All claims presented in the application are allowable, and reconsideration and allowance is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 13-14, 18, 24, 27-28, and 56 were rejected under 35 U.S.C. §102(e) as being anticipated by Taylor (U.S. Pat. No. 6,558,429) and Bessler et al. (U.S. Pat. No. 5,855,601). The Applicant has considered the rejections in view of the Examiner's comments and respectfully submits that neither Taylor '429 nor Bessler '601 anticipate any claims, as currently amended, and thus the claims are allowable. Reconsideration and allowance of all claims is respectfully requested.

Objections

Claims 16-17, 19-20, and 26 are objected to as depending from a rejected base claim. Specifically, each claim depends from Claim 13, which was rejected

in the Office Action as being anticipated under 35 U.S.C. §102 by Taylor '429 and Bessler '601. As suggested in the Office Action, Claim 13 has been amended to incorporate the limitation of objected to Claim 19 and intervening Claim 18. Based upon the amendments to the claims, amended Claim 13 should be allowed. Claims 14-17 and 20-63 depending from Claim 13 should be allowed as claims depending from an allowable claim.

The prior art references cited by the Office Action fail to disclose or suggest every limitation of the amended claims. Rejection of all claims is therefore improper and withdrawal is respectfully requested. Applicant respectfully requests entrance of the amended claims and further examination of the application.

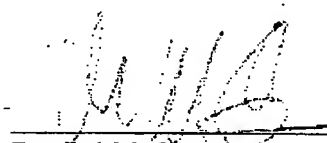
Rejoinder

Furthermore, the subcombination/combination and/or method of using Claims 29-55 and 57-63 should also be rejoined as depending from, or specifically including all limitations of, allowable Claim 13. See MPEP 806.05(c) and 821.04. The valve is critical to the combination with the tool, and there are no claims that would evidence to the contrary. Rejoinder of the previously withdrawn claims, examination on the merits and allowance of all claims presented in this application are respectfully requested.

Applicant hereby requests a one-month extension of time, and authorizes the Commissioner to charge the fee required for the one-month extension of time for

response for a small entity of \$60.00 to deposit account 501285. If the Examiner has any questions or comments regarding this communication, it is urged that the undersigned be contacted to expedite the resolution of this application.

Respectfully submitted,



Daniel N. Lundeen
Reg. No. 31,177
Lundeen & Dickinson, L.L.P.
PO Box 131144
Houston, Texas 77219-1144
(713) 652-2555
(713) 652-2556 Fax
ATTORNEY FOR APPLICANT